



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

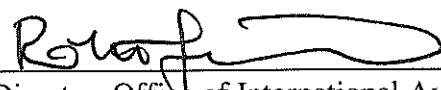
CORRECTED COPY¹

DEPARTMENT ACTION ON APPLICATION IN DOCKET DOT-OST-2007-27369
filed February 21, 2007

Application of Deutsche Lufthansa AG (Lufthansa) for a blanket statement of authorization to permit Lufthansa to display the Air Malta designator code (KM*) on Lufthansa's scheduled flights between Germany and the United States, to the extent necessary to transport Air Malta passengers traveling between Malta and the United States via Germany.²

*Approved under assigned authority (14 C.F.R. § 385.13)

Date of Action: December 14, 2007



RJR Director, Office of International Aviation

Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR § 385.30, should file their petitions within seven days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

We may amend, modify, or revoke the authority granted at any time, without hearing, at our discretion.

* The authority granted is subject to the attached conditions.

¹ Our action here corrects previous action taken in this Docket dated March 8, 2007.

² Lufthansa states that it initially intends display Air Malta's "KM" designator code on flights operated by Lufthansa between Munich, Germany, on the one hand, and New York (JFK) and Washington, D.C. (Dulles), on the other hand.

**Lufthansa/Air Malta Code-Share Conditions
(DOT-OST-2007-27369)**

The statement of authorization granted here is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) Lufthansa and Air Malta continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) Lufthansa and Air Malta must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or if the carriers decide to cease operating all or a portion of the approved code-share services. Such notices should be filed in Docket DOT-OST-2007-27369.¹
- (c) Lufthansa and/or Air Malta must notify the Department no later than 30 days before they begin any new code-share service under the code-share services authorized here. Such notice shall identify the market(s) to be served and the date on which the service will begin. Such notices should be filed in Docket DOT-OST-2007-27369.
- (d) The code-sharing operations conducted under this authority must comply with 14 CFR 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in the computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger and that the passenger liability of the operating carrier be unaffected.
- (e) The authority granted here is specifically conditioned so that Lufthansa and Air Malta shall not give any force or effect to any contractual provisions between themselves that are contrary to these conditions.
- (f) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

¹ We expect this notification to be received within 10 days of such non-effectiveness or of such decision.